

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

RITA C. JUSTUS,)	
)	
Plaintiff)	
)	
v.)	No. 3:05-cv-390
)	
JO ANNE B. BARNHART,)	
Commissioner of)	
Social Security,)	
)	
Defendant)	

MEMORANDUM AND ORDER

This matter is presently before the court on the Report and Recommendation (R&R) [Doc. 19] filed by the Honorable C. Clifford Shirley, Jr., United States Magistrate Judge, on March 14, 2006, in which he recommended that plaintiff's motion for judgment on the pleadings [Doc. 15] be denied and that the Commissioner's motion for summary judgment [Doc. 17] be granted. There have been no timely objections filed by plaintiff to the R&R. See Fed. R. Civ. P. 72(b); *see also* 28 U.S.C. § 636(b)(1).

After a careful review of this case, the court is in complete agreement with Judge Shirley that substantial evidence on the record as a whole supports the

finding of the administrative law judge that plaintiff retained the residual functional capacity to perform light level work. Accordingly, the R&R is hereby ACCEPTED IN WHOLE whereby: (1) plaintiff's motion for judgment on the pleadings [Doc. 15] is DENIED; (2) the Commissioner's motion for summary judgment [Doc. 17] is GRANTED; and (3) this case is DISMISSED.

E N T E R :

s/ James H. Jarvis
UNITED STATES DISTRICT JUDGE